

"Don't Let Domestic Violence Hurt Your Business"

as found at www.doa.state.nc.us/doa/dvio

**All items listed below, also available on CD-Rom*

Table of Contents

I. Model Policy

This is an example of a policy that can be adapted and edited to fit an individual organization's personnel policy manual.

II. Implementation Plan

This document serves as a guideline for developing a domestic violence in the workplace program, as well as guidance in the management of individual cases.

III. Action Plan

This document contains model policy and a valuable preliminary assessment tool to determine an organization's current status in its affects to address domestic violence in the workplace.

[Provided by the Colorado Bar Association's program "Make it your Business" www.makeityourbusiness.org]

IV. Local Resources

A list of advocacy centers in North Carolina listed by county. Up to date lists available at: www.doa.state.nc.us/doa/cfw/dv.htm

A list of abuser treatment programs in North Carolina listed by county. Current lists available at: www.doa.state.nc.us/doa/cfw/abuser.htm

V. Public Awareness Material

Copies of a North Carolina specific brochure and poster that can be placed or displayed in break rooms, Human Resources offices, or restrooms.

VI. Support and Security Checklist

A quick reference list of support and security that management can make available to victimized employees.

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Model Policy Addressing Domestic Violence in the Workplace

Purpose

[Employer] is committed to ensure the safety and well being of our employees. Because we recognize that domestic violence is a leading cause of injury to women, how it can affect our employees and their work is of major concern. This policy provides guidance to employees and to management on ways to increase awareness of domestic violence, intervene in the occurrence of domestic violence in the workplace, hold employees accountable for their actions and provide support to employees who are victims of abuse.

Definitions

Domestic Violence: the pattern of abusive behaviors meant to control another person. This may include the use of violence, threats and intimidation, between people who have an ongoing or prior intimate relationship. This may include people, who previously have been or currently are married, living together or dating.

Batterer, perpetrator, or abuser: the person, whether they are an employee or non-employee, who commits the act of domestic violence against another person.

Abuser Treatment Programs: Programs designed to eliminate violence in intimate relationships, stop other forms of abusive behavior and increase victim safety. Participants may enter these programs through the courts or as voluntary participants.

Victim or Survivor: the person, whether they are an employee or non-employee who suffers from the affects of domestic violence.

Workplace: includes all on-site locations, buildings and facilities, including parking areas, all company property, and off-site locations where employees engage in company business.

Employees: This Policy applies to all full-time and part-time employees with permanent, probationary, trainee, time-limited permanent or temporary, as well as to all volunteers, contractors and consultants engaged to perform services for the Company.

Awareness and education

[Employer] will strive to provide education on workplace violence to all employees. Training will be made available to supervisors on how to identify and support victims of abuse as well as issues and resources available concerning domestic violence. Employees will be notified of the support management is able to offer to those who disclose abuse and request assistance, as well as area domestic violence resources in the community.

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Reporting

Employees who are victims of domestic violence are encouraged to seek support from the local domestic violence service provider. If the abuse has had an adverse effect on their job performance, they are encouraged to speak with their supervisor or appropriate human resources personnel or service (i.e. employee assistance program).

If any employee has reason to suspect that violence may occur at the workplace, from any source, they are strongly encouraged to inform their supervisor of their concerns.

Anti-retaliation and Confidentiality clause

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy or discloses a personal crisis involving domestic violence.

Employees will not be discriminated against solely on the basis of their status as a victim of abuse. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns. Investigations and subsequent involvement of other parties will be made on a 'need to know' basis.

Support and Protections

[Employer] will strive to create a workplace environment that is safe from all forms of violence, including domestic violence and which supports victims of violence by providing understanding, access to services, information and available protections. Specific support will be determined on a case-by-case basis and will be at the discretion of management.

In all workplace plans to respond to domestic violence, [Employer] will respect the authority and autonomy of the employee who is being victimized to direct her or his own life.

[Employer] acknowledges that employees who are victims of domestic violence and other forms of violence should have the same rights, opportunities and benefits as all other employees. The victim status of an employee shall not be basis for discrimination.

[Employer] is committed to assist in protecting employees who are victims of domestic violence as well as their co-workers. Management shall investigate the severity of potential threats and determine security measures to reduce the risk. Victims and their co-workers may need special accommodations or adjustments to their work schedule, location or working conditions in order to enhance their safety. The agency shall accommodate these requests and needs whenever possible and appropriate.

[Employer] is committed to assist employees in their efforts to address abuse in their lives by supporting their judicial, medical, counseling and other obligations. Management is encouraged to allow time off as well as adjustments to workload for employees to attend to these obligations.

[Employer] is committed to assist employees in expediting changes to their benefits to reflect changes in beneficiary information and allocation methods of wage payment.

"Don't Let Domestic Violence Hurt Your Business"

as found at www.doa.state.nc.us/doa/dvio

Prohibited Actions and Sanctions

[Employer] will not tolerate nor condone any violent behavior in the workplace. This policy strictly prohibits the use of violence or threats of violence in the workplace. We are committed to identifying and holding employees accountable who perpetrate acts of domestic violence.

Employees found to have committed acts of domestic violence while engaged in company business will be subject to corrective or disciplinary action, up to and including discharge. This policy also applies to employees using company resources such as communications devices, equipment or vehicles to commit acts of domestic violence. This policy applies not only to acts against other employees, but also to acts against all other persons, including clients, customers, associates and persons not related to the company.

Employees who are convicted of a crime as a result of domestic violence may be subject to corrective or disciplinary action, up to and including discharge, when such action affects the work performance of the employee or affects the normal operation of [Employer].

[Employer] through Human Resources may also require that an employee committing these acts seek help at the Employee Assistance Program or attend and successfully complete a certified Abuser Treatment Program. Continued employment may be contingent upon not committing any new offenses and complying with all conditions. [Employer] will maintain the employee's confidentiality and privacy operating on a need to know basis.

Roles of Personnel

Employees

All employees will attend and participate in the domestic violence training provided by the human resources department. All employees are prohibited from committing any act of domestic violence, while at the workplace, using company resources or while conducting company business. Persons who threaten or commit acts of violence are strongly encouraged to contact the Employee Assistance Program and/or participate in an abuser treatment program. Employees who are victims of domestic violence are encouraged to disclose to human resources or a supervisor, especially if the abuse leads to work performance deterioration or may pose a threat to the workplace. Contacting the Employee Assistance Program and/or local domestic violence service provider is strongly encouraged. If any employee feels that there may be a threat to the workplace, whether they witness a concern or are personally involved, they shall notify a supervisor or human resources personnel as soon as possible. In the event of eminent violence, employees should notify law enforcement immediately.

"Don't Let Domestic Violence Hurt Your Business"

as found at www.doa.state.nc.us/doa/dvio

Managers and supervisors

Supervisors play a crucial role in monitoring the well being of employees and providing assistance to those who are in need. To address domestic violence in the workplace, supervisors are expected to:

- *Participate in domestic violence training as provided by the company.*
- *Be alert to possible signs of abuse.*
- *Properly document any report of harassment, threats or incidents of domestic violence in the workplace.*
- *Provide reasonable support to victims and impose accountability on offenders.*
- *Refer victims of domestic violence to appropriate resources such as the Employee Assistance Program or a community domestic violence service provider.*
- *Assist management in the development of workplace security plan to ensure the safety of all employees.*
- *Maintain employee confidentiality.*

Human Resources

In an effort to develop an atmosphere of zero tolerance for domestic violence, the human resources office will develop training programs and promote awareness of the issue for all employees. This office will also make contact with the local domestic violence service provider to ensure familiarity with resources and services that they provide. In the event of a domestic violence case, human resources will expedite changes to wage allocation and beneficiary information at the employee's request. Should there be a credible threat to the workplace, then human resources will support management's efforts to assess the danger and develop safety measures to reduce the level of risk to the workplace and its employees.

Personnel contact information such as home location and phone numbers will be closely protected to ensure confidentiality and to prevent the abuser from discovering the victim's information.

Security

Security must attend and participate in the domestic violence training provided by the human resources department.

In the event that it has been determined that there may be a threat to the workplace, security's participation in any threat assessment and in the implementation of security measures is required to help reduce the likelihood and severity of any violence.

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as found at www.doa.state.nc.us/doa/dvio

DOMESTIC VIOLENCE IN THE WORKPLACE IMPLEMENTATION PLAN

These guidelines are meant to provide suggestions and '*best practices*' for the management of an organization that wishes to assist employees who may be victims of domestic violence and to address the potential threat to the workplace.

The guidelines can be adopted in whole, in part or incorporated within a company's existing policies.

This plan, by no means, is meant to provide specific directions on the intervention in a particular case, as every situation requires the individual consideration of all the environmental, organizational and personal variables. Different communities will vary in services that are offered and it is suggested that organizations become aware of what local domestic violence services are available.

There is no guarantee that following the suggestions will absolutely prevent the occurrence of violence in the workplace, as human behavior is inherently unpredictable, however these guidelines will provide a framework to lessen the chance and severity of possible acts of violence. Sound management judgment, preparing for the worst and honest intentions are all vital keys to help maintain a safe and healthy workplace.

While statistics show that actual violence coming to the workplace remains relatively low, what is surprisingly alarming is the occurrence of domestic violence in our society, our communities and therefore, in the workforce. Employees who face abuse at home are not able to be the highly productive workers that employers intended to hire. The inability to concentrate, the sick leave time taken to address injuries both physical and emotional, and the direct harassment they encounter while working all combine to impede an employee's potential work production. By providing support to victims of domestic abuse, businesses can not only help the employees they work with day by day, but they will also be protecting their bottom line as well.

It is a mistake to consider the level of education or socio-economic status of potential victims or perpetrators. Domestic violence affects every culture, race, age, gender, and level of education and salary. While victims of abuse are overwhelmingly women, it is important to note that men can be victims of abuse, requiring and deserving the same amount of consideration and support.

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Symptoms and Signs of Possible Abuse

What is Domestic Violence?

Domestic violence is a pattern of behavior meant to intimidate and control the victim. It is not only physical assault but the harassment and persecution that the victims suffer psychologically and emotionally. These signs are only guidelines; the most abusive cases may not have any observable indications at all while the presence of numerous of these signs does not definitively signify a victim.

Note: *Rarely will an employee come to management about the issue but its effects will be observable to supervisors and peers. These signs may include:*

Physical Indications

- Unexplained bruises, scratches and handprints or repeated explanations that don't make sense.
- Injuries that leave no mark. Often abusers will strike areas where bruises cannot be seen: torso, beneath hairline, and upper legs.
- There may be attempts to cover up such marks through excessive makeup, concealing clothing (long sleeves and turtle necks in warm weather) and sunglasses worn indoors.

Behavioral Indications

- Appears frightened of partner or ex-partner, and may be easily startled.
- Uses health care services frequently.
- Signs of depression including low self-esteem, flat affect, tears or withdrawn.
- Talks about a "friend" who is being abused.
- Lack of financial resources.
- The urgent need to return home as soon as possible after work; reluctant to go out to lunch with group or participate in after work activities.
- Needs to answer calls or return a page as quickly as possible.

Job Performance Issues

- Frequent tardiness and absenteeism
- Requests to leave work early
- Fluctuations in job performance, especially when there are periodic deficiencies in a quality employee
- Lack of ability to concentrate and focus on tasks

Abuser's Behavior

- Frequent visits or calls from partner, especially when employee appears visibly upset or anxious afterwards
- Sabotaging the employee's efforts to maintain job through disrupting transportation, child care and other arrangements

"Don't Let Domestic Violence Hurt Your Business"

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How Can a Supervisor Help?

1. Approach the employee sensitively

- A. Find a quiet, private location at an appropriate time. Right after an abusive episode may be a time when the victim may be looking for a way out of the abusive relationship and a timely show of concern and offer of support may prompt them to take action.
- B. Do not assume that an employee is a victim of abuse. Share your concerns, including what you have observed, such as physical indications, identifiable behaviors, job performance changes and/or actual incidents that have occurred in the workplace.
- C. Let the employee know that you are concerned. Emphasize that you are not trying to pry but that you want to help. There are two very easy but big mistakes that are often made.
 - *First, it may be your first instinct as to ask, "Why don't you just leave?" This is much easier said than done. Victims will have thought of this option but there are many internal and external barriers to this action. For further understanding of these issues, consult with a domestic violence community educator. Basically, someone telling them that they should just leave only puts more blame on them for the situation and provides little benefit.*
 - *Do not encourage them to take immediate steps such as getting a restraining order, leaving or pressing charges. It is a dangerous mistake to try to help them to leave or take action without proper support. If a victim is pushed into the transition when they are not personally ready, they will most likely return to the abuser. More importantly, leaving can greatly escalate risk. The abuser may have said that they will kill the victim if they leave or call the police and the victim may have every reason to believe it to be true. Domestic Violence Programs can assist in developing a Safety Plan to ensure the transition is successful and safe.*
- D. If the employee denies any abusive situation, do not press the issue but focus job performance and work related topics, including the safety of others in the workplace. Respect a person's boundaries and privacy; pressuring to invade a person's personal problem will not be beneficial. An honest and sincere inquiry will likely be appreciated and remembered in the future.

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as found at www.doa.state.nc.us/doa/dvio

2. Refer to a local domestic violence service provider.

1 (800) 799-SAFE (7233)

(Nation wide, 24 hour, free and confidential referral)

It is advisable to contact and develop a relationship with the local agency. If the company has an Employee Assistance Program, this service should have contacts with the community resources.

For a victim to address an abusive relationship as safely as possible, a trained and experienced professional in the domestic violence field can help them assess and develop a personal safety plan. These community agencies are often free, confidential and have network links throughout the state and country.

Although the extent of services will vary, these community agencies can offer or know where to find a range of services,

- *A safe house or shelter in an undisclosed locations that can provide Temporary, transitional housing for victims and their children.*
- *Crisis counselors who can assist in developing a safety plan, discuss their situation professionally and offer support.*
- *A support group of survivors who can provide encouragement and validation to their experience.*
- *Legal assistance in the form of orientation to court proceeding and guidance in obtaining a restraining order. While this is not legal consul, an agency may assist the victim in finding such services for minimal cost through a non-profit legal aid program.*
- *Twenty-four hour confidential hotlines.*

3. Management and Organizational Support

A. Adjust their schedule and workload to allow for court appointments, medical visits, counseling sessions and managing transition.

Options to consider are:

- Vacation or Personal Time
- Sick Leave Time
- Flex scheduling
- Leave Without Pay

B. Expedite changes to benefits and contact information. Advise and assist the employee to make changes to reflect their transition.

Items to consider are:

- Changing deposits of wages to ensure abuser will not take funds
- Changing address and contact information in personnel and file and ensure confidentiality
- Changing beneficiary information on 401-k and retirement programs and other benefits to remove the abuser from the files

"Don't Let Domestic Violence Hurt Your Business"

as found at www.doa.state.nc.us/doa/dvio

4. Security Measures

A. Develop a Plan

Most workplace violence prevention models suggest developing an interdisciplinary team to consider all possible security measures. While including human resources, upper management and legal counsel is important, it is crucial to include security or law enforcement to benefit from their tactical experience. If a company does not have security or their consultation is inadequate, local law enforcement may be invited to assist on a particular case. Finally, the victim of the abuse is the best expert on what the abuser is capable of and what their likely reactions might be. Their input is not only beneficial in assessing the risk but it is also important to consider their wishes and requests. The essential task of the team is to determine the level of risk and what suitable steps can be taken to reduce the threat. The counter part to this step is to ensure dissemination of the plan to all appropriate personnel.

Note: *Certain safety measures can only be implemented when victims are willing to participate. If they do not, management will need to consider what measures they may still need to implement to ensure the safety of all personnel.*

B. Develop Liaison with Local Law Enforcement

Most law enforcement agencies have a community resource officer or patrol officers assigned to the company's region. Identify a contact to inform them of the situation and to plan a response if needed.

C. Assess the Work Environment

A general assessment of environmental vulnerabilities should be made. This will not only help address the immediate threat but improve the general safety of the workplace from all forms of threats. Aspects such as lighting surrounding the building and in the parking lot, accessibility to buildings, bushes and trees around entrances that can hide an offender and the use of surveillance equipment are all items to be considered. Law enforcement can be indispensable in this regard.

D. Develop An Emergency Response Plan

The most crucial aspect of a security plan is to detail what should be done if the perpetrator comes to the workplace. Ideally, to increase the chances of noticing the abuser before they enter the building or on to the work site, the specific task of being the look out should be given to appropriate staff such as security. This responsibility is often given to front desk personnel but their regular duties of answering phones, and administrative tasks often does not allow them to give this vital job their full attention. A description of the abuser and their vehicle (or preferably a picture) should be distributed to those on guard. Security devices such as discreet warning buzzers and alarms can be invaluable in these situations.

"Don't Let Domestic Violence Hurt Your Business"

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If the abuser comes to the workplace:

- ❖ *Call law enforcement, especially if there is a domestic violence protective order or other court orders.*
- ❖ *Otherwise, consider developing a plan to*
 - ✓ *Notify security, if available*
 - ✓ *Lock all entrances to the facility*
 - ✓ *Warn the targeted victim and*
 - ✓ *Allow passage on a pre-determined escape route or to a safe location.*

Note: *Whatever actions are taken, safety for all personnel must be the priority. It is always preferable to err on the side of caution when determining the appropriate steps to take.*

Administrative measures

- *Obtain a copy of the domestic violence protective order, if applicable, and determine whether the order lists the workplace as a restricted area. Usually, only the domestic violence victim can obtain such an order but in certain states, employers are also able to obtain a similar civil directive known as workplace restraining orders or trespass orders*
- *Consider obtaining a trespass order against the individual from coming onto the property*
- *Prepare front desk personnel, elevator operators and security personnel with a description of the perpetrator and their vehicle*

Target hardening

- *Screen and/or change the victim's phone extension and email address. However, it is important to save previous extensions to save any threatening messages for court evidence.*
- *Limit entry to facility, reduce accessibility and assess condition of locks, doors and windows.*
- *Change the location of the victim's workplace to a safer spot, away from entrances and windows.*
- *Offer the victim the chance to relocate to another division or plant within or out of state, if possible.*
- *Modify the victim's schedule and work assignments to help elude the abuser and/or offer a safer alternative.*
- *Offer the victim a parking spot to a more secure location or at least one that is closer to an entrance. Also provide security escort to and from their car.*

Seeking assistance

- *Request more patrols from local law enforcement, especially at shift changes or when the victim arrives or leaves the job site.*

"Don't Let Domestic Violence Hurt Your Business"

as found at www.doa.state.nc.us/doa/dvio

- *Hire off-duty officers as guards and/or request a patrol car to be parked in front of the business.*
- *Contract with security consulting firm for more extensive safety measures. While this may be an expensive measure, it may also be the most effective.*

"Don't Let Domestic Violence Hurt Your Business"

as found at www.doa.state.nc.us/doa/dvio

If the Employee is a Batterer

Many companies have policies that offer limited options and many restrictions when it comes to employees who are suspected of being batterers. Only behaviors that directly affect the employee's performance or activity that occurs on the job can be addressed, under most personnel policies.

Some companies consider off-duty conduct if the nature of the employee's work would be adversely affected by their abusive behavior, especially if there were any civil or criminal charges filed.

In addition to personnel policy issues governing the discipline of employees, there are also legal issues to consider. If an employee engages in any domestic violence behavior while 'on the clock' or uses company resources such as the vehicle, phone or email to harass, threaten or stalk their victims, and the company takes no action, the business may be held liable for negligent supervision. This is especially true if management had been notified of the behavior and/or if the position provided the employee with additional means or resources to commit the crime. Such behavior should be investigated with appropriate disciplinary action to follow.

The situation is more complicated if the abuser and the victim work together. If any of the violence or harassment occurs at the workplace, the organization has definite obligations to protect all employees. Occupational Safety and Health (OSHA) and unlawful harassment laws compel management to investigate and take measures to protect the victim.

If the victim has a protective order against a co-worker, management should take steps to separate the abuser and victim and ensure that all the stipulations of the order are met. However, it is solely the abuser's legal responsibility to adhere to the stipulations of the order.

"Don't Let Domestic Violence Hurt Your Business"

as found at www.doa.state.nc.us/doa/dvio

Frequently Asked Questions

Why not just fire the victim for the potential threat and poor performance?

If a victim is fired outright simply due to their victimization, it will more likely result in a general resistance of other employees to disclose to management any personal concerns that may affect the workplace, thereby exposing the company to risk. As the prevalence of domestic violence is so widespread, other employees who are or might become victims will refrain from informing management of any potential threat. This lack of trust will prevent awareness, which is the first step to threat management. Also, public policy is beginning to suggest that companies may be exposed to claims of discrimination.

What if the victim chooses to remain or return to the abuser?

Perhaps the most difficult issue that employers may face is the fact that victims often return and/or stay with the batterer. Time, resources and energy expended to assist the victims, appears wasted when they choose to return or remain in the abusive relationship. Understanding the complicated dynamics of domestic abuse takes considerable time and deliberation and is beyond the scope of these guidelines; however, it must be understood that a supervisor's continuous support may provide the opportunity for the victims of abuse to eventually utilize services to ensure their safety and well being. Leaving an abusive situation is not an event but a process.

How can job performance issues be addressed?

Weighing the balance between job performance and providing support for the abused employee is a difficult task and is best managed through consideration of all the variables. The value of the employee, the opportunity for improvement, the degree of accommodation and being consistent with the other employees are all issues to be considered when determining the best course of action.

How long should the security measures be put in place?

It is difficult to completely guarantee the safety and security of the workplace from the threat of possible harm. Management, with consultation with security or law enforcement can assess the probability and severity of potential threats. Certain circumstances or events such as anniversaries, the outcome of court trials or mandates of court orders such as loss of child custody rights may precipitate a violent event. The victim of abuse may have the best insight into the abuser's intention and capability to commit violence.

What if other employees or co-workers express concern and fear that victim brings a threat to the workplace?

Employee concerns about safety, whether perceived or actual, must be addressed with sensitive appreciation and by providing services to ease their anxieties. Employee Assistance Professionals and other mental health service providers can support and referral employees for most concerns that affect workplace issues.

It must be clearly demonstrated to employees that any threats are taken seriously by prompt assessment, by working with local resources such as law enforcement and by implementing appropriate security measures.

"Don't Let Domestic Violence Hurt Your Business"

as found at www.doa.state.nc.us/doa/dvio

Support Steps and Security Measures Checklist for Domestic Violence in the Workplace

Support Steps

- ☐ Allow for time off to meet legal, medical and advocacy appointments and other obligations

Options to consider are:

- ☐ *Flex scheduling*
 - ☐ *Sick Leave*
 - ☐ *Shared leave*
 - ☐ *Compensatory Leave*
 - ☐ *Vacation Leave*
 - ☐ *Leave without pay*
- ☐ Change Personnel information
 - ☐ *Personal Contact Information (maintain strict confidentiality)*
 - ☐ *Wage Deposit Allocation*
 - ☐ *Beneficiary information including:*
 - ☐ *Health Benefits*
 - ☐ *Retirement Accounts, including 401k and Pension funds*
 - ☐ *Life Insurance*
- ☐ Flexibility in job assignments
- ☐ Assist in the transfer to new division or plant, if available and desired
- ☐ Provide referral to support systems including:
 - ☐ *Employee Assistance Program*
 - ☐ *Domestic Violence Services*
 - ☐ *Legal Aid Offices*
 - ☐ *Law Enforcement Agencies*
 - ☐ *Social Services Agencies*



"Don't Let Domestic Violence Hurt Your Business"

as found at www.doa.state.nc.us/doa/dvio

Providing protection -Assessing the Threat and Implementing Security

The following security list is meant to provide suggestions and ideas, not specific steps for every situation. Every individual case requires a comprehensive assessment by appropriate personnel such as human resources, security and law enforcement to determine the best course of action. This guideline serves only to provide a range of possible options that management can take to protect the victim and the workplace.

Response Plan if Perpetrator Approaches the Workplace:

- ☐ *Call Law Enforcement!*
- ☐ *If there is no direct threat or court orders against them, notify security if available*
- ☐ *Lock all entrances to the facility*
- ☐ *Warn the targeted victim(s)*
- ☐ *Notify all personnel, especially management or individuals planning security*
- ☐ *Allow passage on an escape route or to a safe location pre-designated*

Develop plan to secure workplace and employees:

- ☐ *Distribute information regarding the description of the perpetrator, and their vehicle, to security and front desk personnel*
- ☐ *Request increased patrols from local Law Enforcement Agency*
- ☐ *Obtain copy of protective order for security and/or management if available*
- ☐ *Limit access to building; use one entrance, if feasible*
- ☐ *Provide buzzer alarms and/or panic buttons*
- ☐ *Increase security measures i.e. fencing, additional lighting and cameras*

Target Hardening of the Victim:

- ☐ *Change victim's parking spot to a safer location*
- ☐ *Escort the victim to her/his car*
- ☐ *Reassign the victim to a different shift, workspace or duties to safer conditions*
- ☐ *Provide emergency cell phones (available from most domestic violence shelters)*
- ☐ *Screen victim's incoming calls and/or provide new extension and email address*
- ☐ *Keep previous phone or email extensions to record abuser's messages as evidence*
- ☐ *Provide support for victim's security at their home or other safety planning*

*****Most effective measures when threat is deemed imminent and lethal*****

- ☐ *Hire off-duty law enforcement officers as security (may be able to park their squad car in front of facility)*
- ☐ *Lock all entrances to facility, allowing passage to only valid visitors*
- ☐ *Ensure easy egress for safe evacuation*
- ☐ *Remove victim from facility by assignment to other location or allow time off*
- ☐ *Hire security consultant services*
 - ☐ *Provide extensive, customized and expert advice on security measures*
 - ☐ *May use an investigator to track perpetrator's movements*